

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Trustees of Sheet Metal Local #10
Control Board Trust Fund,

Plaintiff,

vs.

ORDER

Aabbott Ferraro, Inc.,

Defendants.

Civ. No. 08-981 (PJS/RLE)

* * * * *

To: Carol A. Baldwin and Mitchell W. Converse,
Jensen Bell Converse & Erickson, PA, 30 East
Seventh Street, Suite 1500, St. Paul, MN
55101

* * *

This matter came before the undersigned United States Magistrate Judge upon a general assignment made in accordance with Title 28 U.S.C. §636(b)(1)(A), and upon the routine supervision of cases in this Division.

This action was commenced on April 8, 2008, by the filing of a Complaint with the Clerk of Court. See, Docket No. 1. On April 18, 2008, an Affidavit of Service was filed, which disclosed that the Defendant Aabbott Ferraro, Inc., was served with

the Summons and Complaint on April 15, 2008. See, Docket No. 2. On April 30, 2008, the parties filed a joint Stipulation extending the time by which the Defendant Aabbott Ferraro, Inc., was to file an Answer to the Complaint to May 26, 2008, see, Docket No. 3, and we granted that extension by Order dated May 5, 2008. See, Docket No. 4.

It appears that one (1) week has passed, since the extended deadline by which the Defendant Aabbott Ferraro, Inc., was to serve and file its Answer to the Complaint, and that no Answer or other responsive pleading has been filed. See, Rule 12, Federal Rules of Civil Procedure (“[A] defendant shall serve an answer within 20 days after being served with the summons or complaint.”).

The Federal Rules of Civil Procedure, and the Local Rules of this District, require that an Answer or other responsive pleading be filed. Although an initial Motion for an extension of time will be liberally construed by the Court in the absence of any objection by the opposing counsel, the Court does not permit counsel, by agreement, to extend the time for filing an Answer or some other responsive pleading.

NOW, THEREFORE, It is --

ORDERED:

That counsel for the Plaintiff is directed to:

1. Notify the Defendant Aabbott Ferraro, Inc., that it is required to serve and file an Answer or some other responsive pleading, or to move for an extension of time to do so, and that an application for entry of default is required within 10 days of such notification if no response is filed;
2. File an application for entry of default as to the Defendant Aabbott Ferraro, Inc., unless the required pleadings are filed within 10 days of the referenced notification; or
3. Advise the Court in writing of any good cause to the contrary.

Unless counsel for the Plaintiff complies with this Order within 20 days of this date, this case may be dismissed for lack of prosecution.

BY THE COURT:

Dated: June 3, 2008

s/Raymond L. Erickson
Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE